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MAR 31 2005

In re Application of :
Song, et al. :
Filed: June 30, 2003 : ON PETITION
Application No. 10/608,221 :
Atty. Dkt. No.: SEC.559RE :

OFFICE OF PETITIONS

This decision is in response to the "PETITION IN RESPONSE TO 'INCOMPLETE REISSUE APPLICATION'" filed June 30, 2004 and supplemented August 30, 2004 in response to the Notice of Incomplete Reissue Application ("Notice") mailed May 10, 2004 and decision mailed August 24, 2004.

The application was filed June 30, 2003. The Notice indicated that the application had not been accorded a filing date because a specification, including at least one claim, was missing from the application. In response, the present petition was filed wherein petitioner argues that the application as deposited included a complete specification in the form of a true and correct copy of U.S. Pat. No. 6,255,181. Petitioner has included as proof of mailing and proof of receipt of the specification a copy of a postcard date stamped by the Office on June 30, 2003. Petitioner also indicates that a copy of the specification purportedly filed with the application on June 30, 2004 was supplied.

The original specification submitted with the application papers has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of June 30, 2003 is GRANTED.

Since the specification cannot be located in the Office, a true and correct copy will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted petition fee has been requested from the Finance Office, Refund Section.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 30, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown'.

Alesia M. Brown
Petitions Attorney
Office of Petitions